

EXHIBIT 5

Exhibit D

Declaration of Paul Hansmeier

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AF HOLDINGS LLC,

Plaintiff,

v.

JOE NAVASCA,

Defendant.

CASE NO. 3:12-CV-2396-EMC

Judge: Hon. Edward M. Chen
Magistrate Judge: Hon. Nandor J. Vadas

**BENCH MEMORANDUM
REGARDING ISSUES RAISED IN
AUGUST 20, 2013, ORDER RE
EVIDENTIARY HEARING**

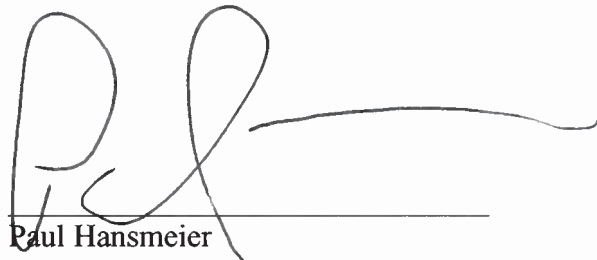
DECLARATION OF PAUL HANSMEIER

1. My name is Paul Hansmeier. I submit this Declaration in connection with the above-captioned matter.
2. I have not been served with summons to appear before this Court, nor have I been served with any of the documents relating to this case, including the Court's orders, Defendants submissions or any other paper. I did receive an email notice from Ranollo regarding Defendant's initial sanctions motion, but I never received a copy of any reply or any other documents filed by Defendant.
3. I have never served as a director, officer, manager, or employee of AF Holdings or otherwise possessed managerial authority over or an ownership interest in AF Holdings.
4. I have not served as counsel of record for AF Holdings in this case. Further, I did not manage or have any supervisory authority over Brett Gibbs in this case. I did not draft the complaint filed in this case. Nor did I have settlement authority in the case. The only formal role I played in this case was to serve as a Federal Rule of Civil Procedure 30(b)(6) designee.
5. I served as a Federal Rules of Civil Procedure 30(b)(6) designee at the request of Brett Gibbs and Mark Lutz. In order to prepare for the deposition I discussed the noticed topics with Mark Lutz and Brett Gibbs. I did not ask Mark Lutz or Brett Gibbs for any information outside of the noticed topics. It is my understanding that Mark Lutz and Brett Gibbs asked me to be the 30(b)(6) designee so that Defendant could not attempt introduce topics outside of what was noticed and request an answer based on others' personal knowledge.

6. I have never created a Pirate Bay account in my life and categorically deny ever uploading and/or downloading any BitTorrent files of any past client of mine, including AF Holdings.
7. Mr. Neville indicated in his declaration that hash values/infohash(es) identify a particular torrent. (*See* Neville declaration at 2). Mr. Neville also indicated that infohash values are “unique fingerprints for identifying the torrent swarm and downloading the work.” (*Id.* at p. 14). I would note for the Court that the hash value/infohash associated with the swarm for the file at issue in this case, “Popular Demand,” identified in Plaintiff’s complaint (ECF No. 1 at ¶ 24) was 6C10F2DCFF52961B876AA592183103BAC958E989. Thus, according to Mr. Neville, the swarm that Mr. Navasca participated in was associated with that exact infohash.
8. However, a Pirate Bay search for that hash value/infohash reveals that this hash value and swarm is *not* associated with any file ever uploaded by Pirate Bay user Sharkmp4, but instead is uniquely associated with a file uploaded by Pirate Bay user FluxXxu on August 15, 2011. A true and correct copy of a screen shot of the Pirate Bay web page associated with this torrent file (which lists, *inter alia*, the Info Hash, upload date, the user and the torrent description), is attached hereto as Exhibit A. I visited this web page on August 28, 2013 and made a screen capture.
9. In my opinion, the efforts of Mr. Neville, Mr. Pietz, Mr. Ranallo and the Defendant to attempt to suggest to the Court that Mr. Steele operated a honeypot with respect to the swarm at issue in *this* case—through Pirate Bay user Sharkmp4—notwithstanding that the info hash identified in Plaintiff’s complaint has no relationship to this user and is instead affirmatively related to an entirely different Pirate Bay user, is nothing short of a fraud on the Court.

This Declaration is submitted pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 28, 2013.



Paul Hansmeier

Exhibit A to Hansmeier Declaration

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Nina Mercedes - Popular Demand (2011) DvdRip.avi

Type: [Porn > Movies](#)
Files: [1](#)
Size: 929.94 MiB (975108368 Bytes)
Spoken language(s): English
Tag(s): [Sex](#) [xXx](#) [Adult](#) [Hardcore](#)

Uploaded: 2011-08-15 11:39:32 GMT
By: [FluxXxu](#)
Seeders: 13
Leechers: 3
Comments: 1

Info Hash:
6C10F2DCFF52961B876AA592183103BAC958E989

DOWNLOAD



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Nina Mercedes - Popular Demand (2011) DvdRip.avi

Cast:
Jerry, Gina Lynn, Eva Angelina, Sophia Santi, Nina Mercedes, Raymond Balboa, William Whacket

Description:
Latina porn legend Nina Mercedes performed her first double penetration in her career at the request of her fans. Nina has been and still is loved by her fans mostly for her incredible breasts and hot body, two things which granted her several nominations at the AVN Awards and F.A.M.E. Awards. For the past years her fans had requested her to perform a double penetration, and Nina finally gave in and did it. The DVD Nina Mercedes: Popular Demand released by her very own production company Heartbreaker Films in association with Exquisite Distribution features the popular demand sex act, the double penetration.

Tags: Sex, xXx, Adult, Hardcore

Screens:

http://www.starpix.us/show.php/2535_3.jpg.htmlhttp://www.starpix.us/show.php/2534_2.jpg.htmlhttp://www.starpix.us/show.php/2533_1.jpg.html [GET THIS TORRENT](#) [ANONYMOUS DOWNLOAD](#)